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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number 09/689,937

Filing Date 10/11/00

First Named Inventor Fred Christians

Group Art Unit 1655

Examiner Name S. Zitomer

Total Number of Pages in This Submission

9

Attorney Docket Number 3299.1

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SEP 25 2001

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### ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☒ Amendment / Response

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/ Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Assignment Papers (for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s)

☐ After Allowance Communication to Group

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify below):

Sequence listing in paper (2 pages) and computer readable form (1 floppy diskette).

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Wei Zhou, Reg. No. 44,419

Signature

Date

September 014, 2001

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: September 15, 2001

Typed or printed name

Sandra E. Wells

Signature

Date

September 15, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR § 1.821(a)(1) and (a)(2). However, this application fails to comply with one or more of the requirements of 37 CFR §§ 1.821 through 1.825 as follows:

- ☒ 1. This application clearly fails to comply with the collective requirements of §§ 1.821 through 1.825. Applicant's attention is directed to these regulations, a copy of which is attached.
- ☐ 2. This application does not conform exclusively to the requirements of §§ 1.821 through 1.825. The non-conforming material should be deleted. § 1.821(b).
- ☐ 3. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing." § 1.821(c).
- ☐ 4. This application does contain, as a separate part of the disclosure on paper copy, a "Sequence Listing." However, the "Sequence Listing" does not comply with the requirements of §§ 1.821 through 1.825 as follows:
- ☐ a. The sequence data does not comply with the symbol and format requirements of paragraphs (b) through (p) of § 1.822. Specifically: \_\_\_\_\_
- ☐ b. The "Sequence Listing" does not comply with the location and page requirements of paragraph (a) of § 1.823.
- ☐ c. The "Sequence Listing" does not comply with the information requirements of paragraph (b) of § 1.823. Specifically: \_\_\_\_\_
- ☐ d. Other: \_\_\_\_\_
- ☐ 5. The description and/or claims of the patent application mention a sequence that is set forth in the "Sequence Listing" but reference is not properly made to the sequence by use of a sequence identifier as required by § 1.821(d).
- ☐ 6. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by § 1.821(e).
- ☐ 7. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the computer readable form does not comply with the requirements of § 1.824. Specifically: \_\_\_\_\_
- ☐ 8. A statement that the content of the paper and computer readable copies are the same has not been submitted as required by § 1.821(f).
- ☐ 9. The amendment to or replacement of the paper and/or computer readable copies of the "Sequence Listing" does not comply with the requirements of § 1.825(a) through (c).
- ☐ 10. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable. Applicant must provide a substitute copy of the data in computer readable form accompanied by a statement that the substitute data is identical to that originally filed. § 1.825(d). Specifically: \_\_\_\_\_
- ☐ 11. Other: \_\_\_\_\_

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE ABOVE REQUIREMENTS. Failure to comply with the above requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR § 1.136. Direct the response to, and any questions about, this notice to the undersigned. A copy of this notice MUST be returned with your response.



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SEP 25 2001



470  
PATENT  
Attorney Docket No.3299.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COFA  
9-15-01  
Applicant: Fred Christians et al.

Serial No: 09/689,937

Filing Date: October 11, 2000

Title: **PREPARATION OF  
NUCLEIC ACID SAMPLES**

Examiner: S. Zitomer

Group Art Unit: 1655

**RESPONSE TO  
RESTRICTION REQUIREMENT**

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Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement mailed August 15, 2001, Applicants elect to prosecute claims 1-48 in Group I, drawn to a method of making nucleic acids, classified in class 435, subclass 6. Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the inventions of Group II (Claims 49-55), Group III (Claims 56-68) and Group IV (Claim 69). Applicants do not hereby abandon or waive any rights in the inventions of Groups II, III and IV.

In a preliminary amendment submitted herewith Claim 16 has been amended to remove SEQ ID NOS: 1-8 making the requirement for an election of nucleic acid sequence moot.

SEQUENCE LISTING

Transmitted herewith is a copy of the "Sequence Listing" (2 sheets) in paper form for the above identified patent application and a copy of the "sequence listing" in computer readable form. In addition, as required by 37 C.F.R. 1.821(f), a statement that the content of the "Sequence Listing" in paper form and the computer readable form of

the "Sequence Listing" are the same is also transmitted herewith. Applicants' attorney asserts that the submission includes no new matter.

Please insert the attached "Sequence Listing" comprising SEQ ID NOS: 1-8 into the above referenced application.

CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 408-731-5699.

Dated: September , 2001

Respectfully submitted,



Wei Zhou  
Reg. No. 44,419

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